

UNITED STATES DISTRICT COURT

for the

Western District of VirginiaCLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VAFILED
for Danville
AUG 04 2008

United States of America)

v.)

ROBERT KENNEDY, JR.)

Date of Previous Judgment 2/1/02
(Use Date of Last Amended Judgment if Applicable)Case No: 4:01cr70025-001USM No: 09197-084

Defendant's Attorney

JOHN F. CORCORAN, CLERK

BY: Fay Coleman
DEPUTY CLERK

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months is reduced to _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 40Amended Offense Level: 38Criminal History Category: VICriminal History Category: VIPrevious Guideline Range: 360 to life monthsAmended Guideline Range: 360 to life months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
☐ Other (explain):

III. ADDITIONAL COMMENTS

Defendant was convicted of "crack" cocaine offenses and was sentenced to a 420 month term of imprisonment based on a guideline range of 360 months to life. Amendment 706 to the U.S. Sentencing Guidelines, applied retroactively to Defendant's case, would reduce his offense level from a 40 to a 38. However, due to his criminal history category of VI, his amended guideline range would remain 360 months to life. Because Amendment 706 does not change Defendant's guideline range, he is not eligible for a sentence reduction under 18 U.S.C. § 3582(c)(2).

Except as provided above, all provisions of the judgment dated _____ shall remain in effect.

IT IS SO ORDERED.

Order Date: August 4, 2008

Norman K. Moon
Judge's signature

Effective Date: _____
(if different from order date)

Norman K. Moon, United States District Judge
Printed name and title